

Docket No.: 3074D-0113



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Chia-Chen Lee : Confirmation No. 9815  
U.S. Patent Application No. 10/677,365 : Group Art Unit: 3637  
Filed: October 3, 2003 : Examiner: Winnie S. Yip  
For: BUMPER FOR AN UMBRELLA

MAIL STOP PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW ABANDONMENT

Sir:

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed October 21, 2005 (copy enclosed). The application was abandoned for failure to respond to the Office Action dated March 28, 2005.

The undersigned, applicant's attorney of record, first became aware of the abandonment after reviewing PAIR upon the clients request for status. Applicant submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

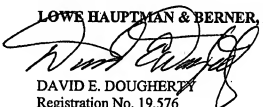
An Office Action was never received by our office and, therefore, a response was not filed. The Patent Application Information Retrieval system indicates that the Office Action was mailed on March 28, 2005, to an incorrect address. Applicant submits that Applicant's Customer Number was properly identified on Applicant's Application Transmittal at the time the Application was filed on October 3, 2003. It is Applicant's contention that all correspondence is to be associated with Applicant's Customer Number and Applicant's documents are to be mailed to the address associated with Applicant's Customer Number. Applicant has since filed a Change of Correspondence Address on April 27, 2006 which indicates that all correspondence should now be associated with Customer No. 22429.

In view of the foregoing, Applicant requests that the Notice of Abandonment be withdrawn and the enclosed Amendment be entered.

Please apply any charges or credits to Deposit Account No. 07-1337

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**



DAVID E. DOUGHERTY  
Registration No. 19,576

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: October 12, 2006  
DED/eam



UNITED STATES PATENT AND TRADEMARK OFFICE

*Supporting Documents  
of Reversed Decision*

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LOWE HAUPTMAN BERNER, LLP  
1700 DIAGONAL ROAD  
SUITE 300  
ALEXANDRIA, VA 22314

**COPY MAILED**

**APR 30 2007**

**OFFICE OF PETITIONS**

In re Application of

Chia-Chen Lee

Application No. 10/677,365

Filed: October 3, 2003

Attorney Docket No. 3074-113

**DECISION ON PETITION**

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed February 6, 2007.

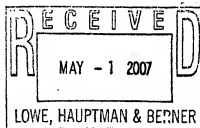
The renewed petition is **granted**.

The above-identified application became abandoned for failure to reply to the non-final mailed March 28, 2005. The notice set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on June 29, 2005. A Notice of Abandonment was mailed on October 21, 2005.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 3600, GAU 3636 for resetting of the time period for responding to the non-final Office action.



Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

A handwritten signature in black ink, appearing to read "Kenya A. McLoughlin", is written over the printed name.

Kenya A. McLoughlin  
Petitions Attorney  
Office of Petitions

**Acknowledgement Receipt**

The USPTO has received your submission at **15:30:36** Eastern Time on **06-FEB-2007**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

**eFiled Application Information**

EFS ID	1494687
Application Number	10677365
Confirmation Number	9815
Title	Bumper for an umbrella
First Named Inventor	Chia-Chen Lee
Customer Number or Correspondence Address	22429
Filed By	David E Dougherty/Beth Murphy
Attorney Docket Number	3074-113
Filing Date	03-OCT-2003
Receipt Date	06-FEB-2007
Application Type	Utility

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
RequestforReconsideration.pdf	2	Petition for review by the Office of Petitions.	87209 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

*If you need help:*

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	:
	:	:
Chia-Chen Lee	:	Confirmation No. 9815
	:	:
U.S. Patent Application No. 10/677,365	:	Group Art Unit: 3637
	:	:
Filed: October 3, 2003	:	Examiner: Winnie S. Yip
	:	:
For: BUMPER FOR AN UMBRELLA		

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION**

In response to the Decision on Petition mailed January 18, 2007, Applicant hereby request reconsideration of the decision

The application was abandoned for failure to respond to the Office Action dated March 28, 2005.

The undersigned, applicant's attorney of record, first became aware of the abandonment on March 28 2006, upon receiving a telephone call from Examiner Raeann Gordon and submits that a Petition to Withdraw Abandonment was promptly submitted as required by 37 CFR §1.8(b)(1) on March 29, 2006.

An Office Action was never received by our office and, therefore, a response was not filed. The Patent Application Information Retrieval system indicates that the Office Action was mailed on March 28, 2005, to an incorrect address. Applicant submits that Applicant's Customer Number was properly identified on Applicant's Application Transmittal at the time the Application was filed on October 3, 2003. It is Applicant's contention that all correspondence is to be associated with Applicant's Customer Number and Applicant's documents are to be mailed to the address associated with Applicant's Customer Number.

Applicant's request is based on the following quote from the Manual of Patent Examining Procedures (MPEP601.03):

As provided in the Manual of Patent Examining Procedure, if more than one correspondence address is specified in a single document, the office will establish one as the correspondence address and will use the address associated with a Customer Number, if given, over a typed correspondence address (MPEP601.03). The Office inadvertently entered the typed correspondence address.

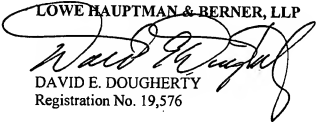
Applicant further submits that a Change of Address was submitted to the U.S. Patent and Trademark Office on April 27, 2006, now associating all future correspondence with Customer Number 22429.

In view of the foregoing, Applicant requests that the Notice of Abandonment be withdrawn and the Application be allowed to issue.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

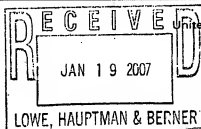
**LOWE HAUPTMAN & BERNER, LLP**

  
DAVID E. DOUGHERTY  
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(703) 518-5499 Facsimile  
Date: February 1, 2007  
DED/cem



UNITED STATES PATENT AND TRADEMARK OFFICE



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LOWE HAUPTMAN BERNER, LLP  
1700 DIAGONAL ROAD  
SUITE 300  
ALEXANDRIA, VA 22314

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**JAN 18 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Chia-Chen Lee :  
Application No. 10/677,365 :  
Filed: October 3, 2003 :  
Attorney Docket No. 3074-113 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 21, 2006.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the non-final mailed March 28, 2005. The notice set a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period, and the application became abandoned on June 29, 2005. A Notice of Abandonment was mailed on October 21, 2005.

Petitioner maintains that the notice was never received and that the holding of abandonment should be withdrawn, accordingly.

A review of the application file and the Office computer records reveals that on March 28, 2005, (the date the notice was mailed), the address of record was cited as "Dennison, Schultz & Dougherty, 612 Crystal Square 4, 1745 Jefferson Davis Highway, Arlington, VA 22202-3417." The notice was mailed to this address and returned to the USPTO as undeliverable. One October 13, 2005, the correspondence address for the application was changed to "Lowe, Hauptman, Berner, LLP, 1700 Diagonal Road, Suite 300, Alexandria, VA 22314." Petitioner argues that the holding of abandonment should be withdrawn because the notice was not received at Lowe, Hauptman, and Berner.

Petitioner's argument is not persuasive. Petitioner has not demonstrated that "Lowe, Hauptman, Berner, LLP, 1700 Diagonal Road, Suite 300, Alexandria, VA 22314" was the correct address of record on the date the notice was mailed. Applicants are required to provide the USPTO with a timely notification of a change of correspondence address and withdrawal of a holding of abandonment would not be appropriate when a notice is mailed, but there was a material change in a correspondence address and petitioner failed to provide timely notice same. A review of the application file reveals that the declaration filed October 3, 2003, list the address of Dennison, Schultz, & Dougherty as the correspondence address of record and that no customer number was found on the application transmittal sheet. In this case, a material change was made to the correspondence address. The record reflects that applicant did not inform the Office of the change in the correspondence address until October 13, 2005. Accordingly, petitioner's failure to receive the notice at Lowe, Hauptman, Berner, LLP does not merit withdrawal of the holding of



abandonment because petitioner did not notify the USPTO of the change of correspondence address to Lowe, Hauptman, Berner, LLP until after the non-final Office action was mailed. The petition is dismissed accordingly.

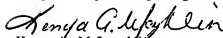
Petitioner may file a petition under 37 CFR 1.137(b) to revive the application. The fee for the petition is \$1500.00 large entity or \$750.00 for a small entity.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
United States Patent and Trademark Office  
Box 1450  
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300  
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

**Acknowledgement Receipt**

The USPTO has received your submission on **10/12/2006 15:24** Eastern Time on **12-OCT-2006**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

**eFiled Application Information**

EFS ID	1249928
Application Number	10677365
Confirmation Number	9815
Title	Bumper for an umbrella
First Named Inventor	Chia-Chen Lee
Customer Number or Correspondence Address	22429
Filed By	David E Dougherty/Beth Murphy
Attorney Docket Number	3074-113
Filing Date	03-OCT-2003
Receipt Date	12-OCT-2006
Application Type	Utility

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
PetitiontoWithdraw.pdf	2	Petition for review by the Office of Petitions.	68413 bytes	◆ PASS
Amendment.pdf	6	Amendment - After Non-Final Rejection	222532 bytes	◆ PASS
SubstituteSpecificationCleanVersion.pdf	4	Specification	226675 bytes	△ WARNINGS
<p>The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing</p>				
SubstituteSpecificationMarkedUpVersion.pdf	4	Specification	190495 bytes	△ WARNINGS

The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing

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- Send general questions about USPTO programs to the USPTO Contact Center (UCC).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.